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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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12 **EDWARD A. RAUCH,**

13 **Petitioner,**

14 **vs.**

15 **UNITED STATES OF AMERICA,**

16 **Respondent.**  
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)  
) **6:03-mj-00026 - 01 HGB**  
)  
) **ORDER DENYING MOTION**  
) **FOR TEMPORARY**  
) **RESTRAINING ORDER**  
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21 Petitioner is proceeding pro se on a petition for writ of habeas corpus pursuant to 28  
22 U.S.C. Section 2255 filed May 15, 2005, challenging a misdemeanor conviction.  
23 Accompanying the petition is motion for a temporary restraining order regarding the  
24 requirement that Petitioner register with the California Department of Justice under Penal  
25 Code Section 290 as a sex offender.

26 The court is unable to issue any order against individuals who are not parties to a suit  
27 pending before it. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969).  
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1 “A federal court may issue an injunction if it has personal jurisdiction over the parties and  
2 subject matter jurisdiction over the claim; *it may not attempt to determine the rights of*  
3 *persons not before the court.*” Zepeda v. United States Immigration Service, 753 F.2d 719,  
4 727 (9th Cir. 1985) (emphasis added). The parties to this action are Petitioner and the United  
5 States of America. Because the neither the State of California nor any department thereof is  
6 a party to this action, this court is without jurisdiction to issue any order against it.  
7 Accordingly, Petitioner’s motion for a temporary restraining order is HEREBY DENIED.

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10 IT IS SO ORDERED.

11 **Dated:** May 18, 2007

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE